

Tommy G. Thompson, Governor  
William J. McCoshen, Secretary

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**THIS UPDATE IS BEING SENT TO BOTH CONSULTANTS AND CONSULTING FIRMS BECAUSE OF THE IMPORTANT INFORMATION CONTAINED WITHIN REGARDING THE REORGANIZATION OF PECFA.**

**September 1996**

***PECFA UPDATE 11***

Since *UPDATE 10*, a great deal has happened in state government that has a very direct and positive impact on the PECFA program. This *UPDATE* will explain the changes being implemented as a result of the 95-97 budget bill which passed in May of 1995. Many of the provisions in that bill were designed to restructure state government as of July 1, 1996. In addition to talking about some of these changes, we will also briefly discuss:

- |                                 |                                      |
|---------------------------------|--------------------------------------|
| 1. Appeal submittals            | 4. ILHR 47 changes                   |
| 2. Document submittals          | 5. Investigation cap submittals      |
| 3. Financial status of the fund | 6. Medical update on Miles Mickelson |

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**Program changes**

The most recent budget bill changed a lot of state programs in many state departments. Changes in the Department of Development and the Department of Industry Labor and Human Relations (DILHR) will have a major impact on the way petroleum cleanups will proceed in the future. In the reorganized state government DILHR will take on a clear role as the job placement and job training agency. The Department of Development was also picked to take on a broader role by merging business development and protection of public health and safety together. The new Department was termed Commerce and the Safety and Buildings Division which included the PECFA, UST/AST Regulation and Petroleum Inspection programs was moved to the new Department.

While moving from DILHR to Commerce, the Safety and Buildings organization was also under going reorganization. The PECFA, UST/AST Regulation and Petroleum Inspection programs were split off to form a new Division of Environmental and Regulatory Services. Also joining this Division were 12 staff positions transferred from the Department of Natural Resources. These were the positions within the DNR that had been historically funded through PECFA. These staff were transferred to Commerce for the purpose of providing oversight and closure decisions on soil contamination sites. This change will place a higher emphasis on these non-groundwater sites while also allowing better consideration of proposed remedial alternatives, investigation cap requests and remedial performance.

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The budget bill which created the reorganization direction also tied the new Department of Commerce to NR 700. Wis. Stat. 101.144 not only moved the responsibility for certain sites to the newly created Dept. of Commerce, it clearly stated that closure criteria must follow NR 700. Soil and groundwater cleanup standards will not change but, processes such as submittals, forms, and approvals will change. The following list identifies some of the key points in the reorganization effort.

1. Dept. of Industry Labor & Human Relations (DILHR) became the Dept. of Workforce Development (DWD)
2. Dept. of Development (DOD) became Dept. of Commerce (Comm)

3. Safety & Buildings Div. (including PECFA, UST/AST Regulation and Petroleum Inspection) moved to newly formed Dept. of Commerce
4. PECFA, UST/AST Regulation and Petroleum Inspection became the Division of Environmental & Regulatory Services (ERS)
5. ERS Division structured around the Bureaus of PECFA, UST/AST Regulation and Petroleum Inspection
6. PECFA Bureau (formerly the PECFA Section) was divided into two Sections, Claim Review and Site Review
7. ERS Division took over responsibility for the management (including closure) of sites with the following characteristics;
  - a) With releases of petroleum products only (no other contaminants) and
  - b) Soil contamination only. Groundwater contamination would only be a responsibility of Commerce if the contamination levels were below the preventive action limit (PAL)
8. PECFA funded DNR staff positions (12) transferred to ERS to become the Site Review Section. (A number of the transferred positions were vacant at time of transfer.)

For the past two months six transferred hydrogeologists have been meeting to develop a new process of site remediation. Topics of discussion for example have been;

- Processing of the Form 4-B
- Where offices should be located
- How staff can electronically communicate with Madison
- Where files should be maintained
- Is there a better way to do remedial alternatives and investigation caps?
- Within NR 700 is there a more efficient way to close sites?

## Appeal submittals

As process meetings continue, decisions will be finalized regarding the redefinition of operating systems. We appreciate your patience in implementing this exciting and innovative new program. Please keep the phone calls to the Site and Claim Review Staff to a minimum so that we can complete this transition effort as quickly as possible.

If you are notified that a site has been transferred to Commerce by the DNR and there is reason to believe that the transfer was in error, the *owner* should contact the DNR *in writing*, with specific information on groundwater contamination levels greater than the PAL and/or contaminants in addition to petroleum.

In our process design efforts, a lot of attention has been given to the questions of work load and location. The attached table is the product of that long discussion. Zip codes are a common element in the partitioning of the state and although the Postal Service may change or add zip codes the current identification system has worked fairly well.

Remediation sites will be “assigned” to Commerce Site Review staff based upon the first three digits of the site’s PECFA claim number and/or zip code. A break down of PECFA Zones is attached. Emergency action approvals, investigation caps, remedial alternative responses, system performance reviews and system enhancement approvals for both Commerce and DNR sites will be performed by the Commerce Site Review staff. For Commerce sites, site closure and related remediation issues including site specific soil standards will be performed by the Commerce Site Review staff. For DNR sites, the DNR will continue to perform oversight and make decisions regarding site closure. Remedial issues and submittals for DNR sites should continue to be sent to the respective DNR staff person. **Continue to send all correspondence related to claim review to Madison.**

The office location for PECFA’s legal counsel has changed and the current address and FAX number is;

Kristiane Randal  
Dept. of Commerce Legal Counsel  
PO Box 7969  
Madison WI 53707-7969  
FAX (608) 267-1381

Because the window to appeal reimbursement decisions is a strict 30 days, it is imperative that Kris’ current address be used.

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**Document submittals**

Documents, letters and reports are *still* being submitted without any indication as to purpose, where the item should be directed or without a PECFA Claim #. Items arriving in any of the PECFA offices *must* include a cover letter and/or note indicating the purpose of the submittal and the PECFA #. Does it go to a Claim Reviewer, a Site Reviewer or the file? If no explanation is given the document may need to be returned.

**Financial status of the Fund**

The fund continues to receive claims at all time high rates.

Incoming Claims = \$15-\$18 million per month

Audit Capacity = \$10 million per month

Reimbursement funding = \$6-\$7 million per month

All of these numbers highlight a program imbalance. For the owner or operator this means; a long wait for the claim to be *audited* followed by one to two months additional wait for the revenue dollars to make the reimbursement. This delay may change depending upon the number of claims audited each month. The PECFA fund is not broke but, it continues to be under severe pressure. The program continues to collect revenues and make reimbursements but, the fund does have an imbalance that must be addressed.

**ILHR 47 changes**

Changes in the Administrative Code ILHR 47 are not expected until January 1997. The code will be renamed Comm 47 when the next code update is done. Until that time the reference will remain ILHR 47.

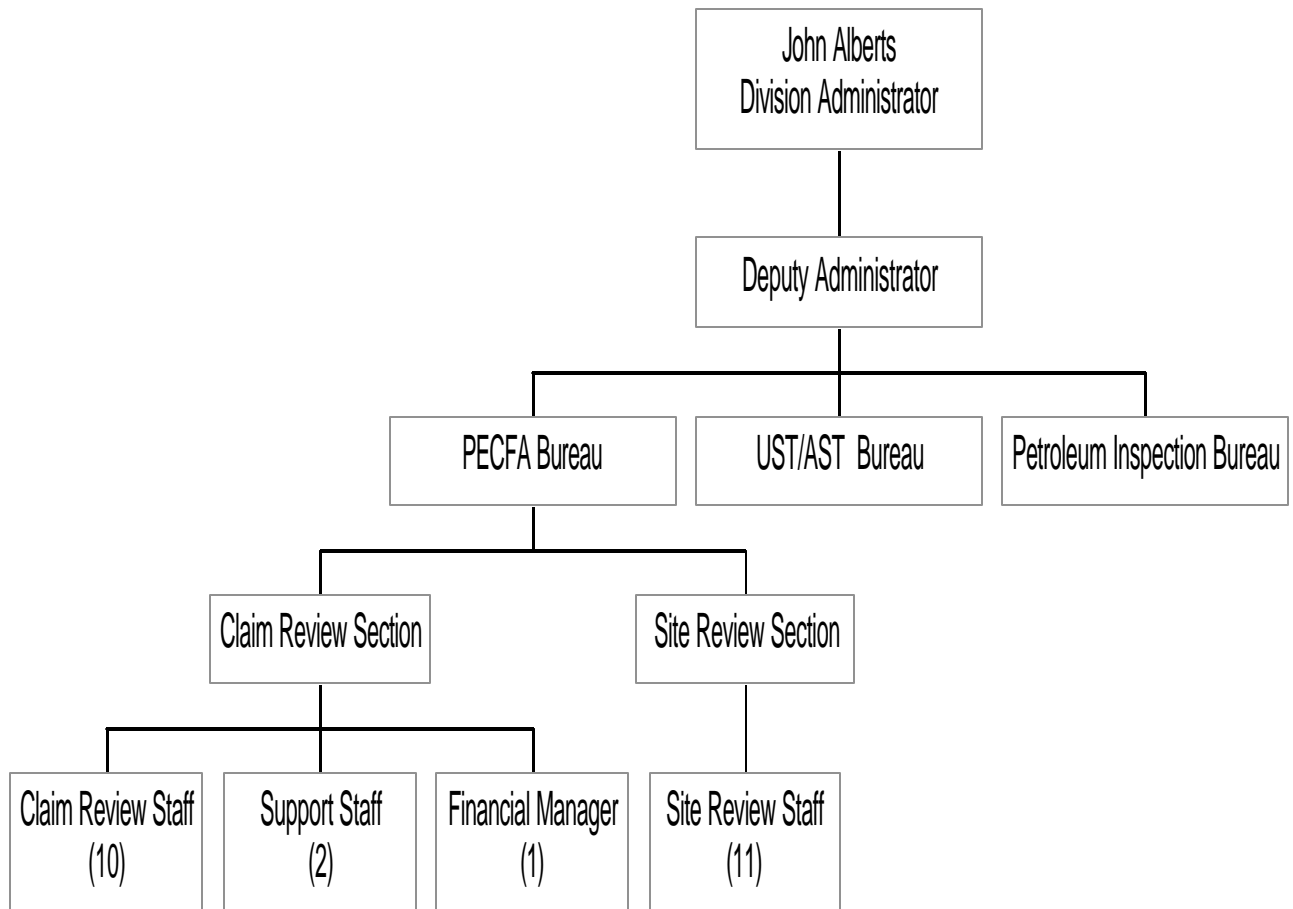
**Investigation cap submittals**

Attached is a new list of information needed for decision making regarding approval of an increase to the \$40,000 investigation cap.

**Miles Mickelson**

Good news! Miles, PECFA Section Chief, had a very successful organ (2) transplant on August 6. Miles has been on medical leave since Nov. 7 and is eager to return to work. He is expected to be recuperating for a time at UW-Hospitals in Madison and then at home.

# Enviromental & Regulatory Services Organizational Chart



<b>ZIP CODE STARTING WITH;</b>	<b>SITE REVIEW ZONE</b>	<b>CONTACT</b> (subject to change)
530 531 532 534	Milwaukee	Nancy Kochis (414-229-0844) Jennifer Skinner (on leave) Dept. Of Comm PO Box 12436 Milwaukee WI 53212-0436
535 537 538	Madison	Stan Senger (608) 264-8766 Dept. Of Comm PO Box 7969 Madison WI 53707-7921
541 542 543	Green Bay	Roxanne Chronert (414-492-5592) Dept. Of Comm PO Box 10448 Green Bay WI 54307-0448
544 545	Rhineland	Laurel Sukup (715-365-8918) Dept. Of Comm PO Box 818 Rhineland WI 54501-0818
539 546	La Crosse	Gordon Kline (608 261-6543) Dept. Of Comm PO Box 7969 Madison WI 53707-7921
540 547 548 551	Eau Claire	Shanna Laube (715-762-3204) Dept. Of Comm PO Box 220 Park Falls WI 54552-0220
549	Oshkosh	Tom Verstegen (414-424-7887) Dept. Of Comm PO Box 2565 Oshkosh WI 54903-2565

TO: \_\_\_\_\_

DATE: \_\_\_\_\_

FROM: \_\_\_\_\_

TELE: \_\_\_\_\_

Below is a list of information typically required by the Department to review requests to exceed the \$40,000 site investigation cap established in Sec. ILHR 47.335, Wisconsin Administrative Code.

**Omission of any of the information may lead to the denial of your request for additional investigation funding.**

1. PECFA Claim number (11-digit): Release site address: Claimant's mailing address.
2. Provide background information regarding source(s) of the release, historical use of all tanks at the site (including their present status, in-use or removed), date of formal notification of petroleum release to DNR or other state agency, and the site investigation start date (see ILHR 47.335 [4]).
3. Provide a brief narrative that describes site features and extenuating project circumstances that have caused investigative costs to escalate at the site. Examples may include:
  - Presence of contamination off-site that exceeds state cleanup standards and requires further definition,
  - Free product present on groundwater,
  - Excessive drilling costs due to presence of bedrock or other unique geological feature,
  - Excessive analytical costs and
  - The necessity to test and replace potable water supply wells.
4. Provide a map that shows:
  - All former and existing tank and pump locations,
  - Locations of drilled boreholes, geoprobe sampling locations, and monitoring wells,
  - Locations of proposed additional boreholes and monitoring wells on and off site,
  - Location of property lines and
  - Direction of groundwater flow.
5. State depth to groundwater and major soil types encountered. Provide a tabulated summary of all soil and groundwater test results, or show the results on your map.
6. Detail the cost of investigation efforts performed to-date, commodity and consulting.
7. Detail the additional commodity and consulting costs needed to complete the investigation, complete reports, review remedial alternatives and write the remedial action plan.

**Important: Any request that does not include the eleven-digit claim number will be returned to the sender without further review or consideration of the additional funding requested.** If a claim number has not been established by the department for your site, the claimant must contact the Department at (608) 267-3753 or (608) 266-2424 to obtain information on how to establish a PECFA claim number.